

Notice of Allowability

Application No.

09/804,358

Examiner

Thomas M. Ho

Applicant(s)

BATES ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/15/05.
2. ☒ The allowed claim(s) is/are 1-13 and 15-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 7/21/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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1. *Claims 1-18 are pending.*

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Grant Johnson at 507-253-4660

Claim 14 is canceled. No claims depend upon claim 14, and the remaining claims are as set forth by the After final amendment of 8/15/05.

Reasons for Allowance

2. The Examiner has suggested to the Applicant, the amending of the term "geographically-specific" to "geographically-unique".

The Examiner has identified Hastings et al., US patent 6370629 as the closest art of record.

It is the Examiner's position that Hastings et al. US patent 6370629 read upon Applicant's claim wherein the Applicant recited the term "Geographically specific", an

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embodiment wherein passwords are associated with a particular region. For this reason, the scope of Applicant's previous claims were anticipated by the closest prior art Hastings, as Hastings(Column 4, lines 32-40) recites "...the producer can associated specific geographic region/data/time information of lists.." "If the user's actual geographic position and the current data and time are within the authorized geographic region and the authorized data/time corresponding to the user password 150, then the user can access the selected files via the user interface 95." Hastings recites access to the system based on a geographic location and time. It was the Examiner's position that access to the system such that "if the user's actual geographic position...correspond to the user's password" is sufficient to read upon a disclosure where a password is specific to a geographic region. However, the disclosure is insufficient to read upon a claimed disclosure where the password is unique to a particular geographic location. Support is given in the Applicant's specification to this limitation in that Applicant recites a plurality of geographic locations.

For this reason the Examiner has suggested to the Applicant that if a claim is made to the more specific term "geographically-unique", it would over come the rejection of the closest prior art. Applicant has done so, and accordingly the remaining claims are allowable.

Conclusion

3. Any inquiry concerning this communication from the examiner should be directed

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to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist Telephone: 571-272-2100 Fax: 571-273-8300

Customer Service Representative Telephone: 571-272-2100 Fax: 571-273-8300

TMH

September 26th, 2005


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
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